

MINUTES
BOARD OF ADJUSTMENT
May 4, 2006

THOSE IN ATTENDANCE

Gary Soule, Chairman	Jason Jaggi, Planner
Mel Disney	Kevin O'Keefe, City Attorney
Victor Cohen	
Rick Bliss	

Chairman Soule called the meeting to order at 5:15 p.m.

MINUTES

The minutes of the meeting of November 3, 2005 were presented for approval. The minutes were approved, after having been previously distributed to each member.

Chairman Soule introduced himself and welcomed everyone to the meeting. He then introduced the other Board members and City staff. He indicated that a full compliment of the Board consists of 5 members; however, this evening there are only 4 members in attendance and therefore, all four votes must be in the affirmative in order for the requested variance to be granted. He stated that the applicant must demonstrate practical hardship with regard to the property in order to justify the granting of a variance. He then advised that this is a duly advertised, duly noted meeting and that the proceedings are of record. He reminded everyone that all testimony is tape-recorded and the minutes produced from this recording. He then asked that all individuals wishing to speak to please speak clearly. He stated that the City will first present its exhibits, after which the applicant will make their presentation, then questions/comments from the Board members will ensue after which audience comments will be solicited and finally, a vote will take place.

The following item is on the agenda for this evening:

AN APPEAL FROM THOMAS & JOAN MOORE FOR THE PROPERTY AT 201 NORTH BRENTWOOD BOULEVARD

At the request of the Chairman, all individuals who wished to speak with regard to the application were sworn-in by the Recording Secretary.

City Attorney O'Keefe presented the following exhibits on behalf of the City: : Exhibit A) City of Clayton Zoning Ordinance, specifically Sections 2.3 and 15.8.2; B) Comprehensive Plan; C) Application for Appeal and supporting documents; D) Staff Report.

Chairman Soule asked Jason Jaggi to provide a brief overview of the requested variance.

Jason Jaggi asked that it be noted and the record reflect that the rear yard setback for this property is in fact 31.25 feet, not 30 feet as indicated in most of the documentation.

Chairman Soule asked if the variance request (4.25 feet), as indicated in the correspondence, is accurate.

Jason Jaggi replied “yes”. He indicated that the applicant is requesting a variance from the required rear yard setback to construct a 2-car garage and small enlargement to the existing family room. He stated that currently, the applicants have a 1-car garage.

Mr. Moore thanked the members for hearing his request. He presented a site plan, stating that his lot is 125-feet deep by 50-feet wide. He stated the plan includes the demolition of the existing small connecting room and constructing a 2-car garage. He stated that an additional 4-foot, 3-inches is needed in order to construct a 2-car garage. He explained that they are on a corner lot. He presented photographs of his residence and of the residence at 221 North Brentwood, indicating that this residence is a replica of his residence and that they extended onto their house. He stated that the residence at 141 North Brentwood, which was similar to his house when constructed in the 40’s, had also received a variance. He advised the members that earlier this year, the Plan Commission and Board of Aldermen approved a conditional use permit to construct a 2-car detached garage with living space on the second level, but they have since decided they would prefer an attached garage in order to get more back yard.

Chairman Soule asked if the City had a response.

City Attorney O’Keefe asked that the applicant’s exhibits (5 display boards) be entered into the record.

Chairman Soule concurred.

Mr. Moore indicated that he also has a petition which has been endorsed by seven of his neighbors.

Mr. O’Keefe indicated the subject petition will be marked as applicant’s Exhibit 6.

Rick Bliss indicated that Mr. Moore mentioned that he had previously been granted a conditional use permit for a detached garage with living space. He asked if that proposal would have required a variance as well.

Mr. Moore replied “no”.

Jason Jaggi advised the members that detached garages are allowed to be constructed 5 feet from side and rear property lines and must be at least 10 feet away from the primary structure.

City Attorney O'Keefe commented that detached garages are considered to be accessory structures and therefore, have different setback requirements than those established for primary structures.

Rick Bliss asked if the HVAC pad is within the setback.

Jason Jaggi stated that HVAC units have to be at least 5 feet from the side property line.

Chairman Soule asked if staff determined that the applicant has met the hardship criteria as defined by state and local ordinances.

Jason Jaggi replied "yes".

Chairman Soule asked if staff believed that granting this variance would observe the spirit of the Zoning Ordinance.

Jason Jaggi replied "yes".

Chairman Soule asked if it is safe to assume that the existing garage is small and not practical for today's needs.

Jason Jaggi agreed.

Chairman Soule asked if staff believed that deviation from strict application of the Zoning Ordinance would not constitute a change to the district map, impair an adequate supply of light and/or air to adjacent property, etc.

Jason Jaggi agreed.

Chairman Soule asked if staff believed that granting this variance would have minimal effect.

Jason Jaggi agreed.

City Attorney O'Keefe asked that staff's opinions be entered into the record as Exhibit E.

Chairman Soule called for a vote to grant a variance to Section 2.3 of the Zoning Ordinance which requires that buildings be constructed in compliance with the district land area regulations. The motion received the following voice call vote: Ayes: Chairman Soule, Mel Disney, Victor Cohen and Rick Bliss. Nays: None.

Chairman Soule then called for a vote to grant a 4.25-foot variance from the required 31.25 foot rear yard setback to allow the construction of a 2-car garage. The motion received the following voice call vote: Ayes: Chairman Soule, Mel Disney, Victor Cohen and Rick Bliss. Nays: None.

Both variances were granted.

Mr. Moore thanked staff and the members.

City Attorney O'Keefe asked Mr. Moore to please provide file size copies of his exhibits.

Mr. Moore indicated he would be happy to do so.

Being no further business for the Board of Adjustment, this meeting adjourned at 5:55 p.m.

Recording Secretary